

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FULL CREATIVE, LTD. d/b/a I.C.B. ASIA, CO.,  
LTD.,

Plaintiff,

– against –

SOLE CITY, INC., SOLOMON SAFDEYE,  
ALAN KANDALL, JEFFREY BERNSTEIN  
and MARC DOLCE,

Defendants.

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: Index No.: 04 Civ. 02907 (RJH) (GWG)

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: **NOTICE OF MOTION**

Please take notice that the defendant, Jeffrey Bernstein, hereby moves this Court pursuant to Rules 12 (b) (6) and 9(b) of the Federal Rules of Civil Procedure, before the Honorable Richard J. Holwell, at 500 Pearl Street, Courtroom 17B, New York, New York 10007, at a date and time to be determined by the Court, for an order dismissing plaintiff's claim for fraud against him for failing to state a claim upon which relief may be granted, and failing to plead the claim with sufficient particularity. Accompanying this motion is defendant's Memorandum of Law dated May 6, 2004.

Dated: New York, New York  
May 6, 2004

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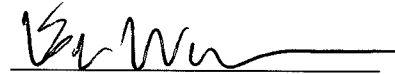
**Certificate of Service**

I certify that the foregoing Notice of Motion and accompanying Memorandum of Law were served on May 6, 2004 by first class mail upon the following attorneys of record, at the following addresses:

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